

March 8, 2004

JOHN QUAST
15714 75TH PL W
EDMONDS WA 98026

Subject: Complaint filed against Richard Demeroutis - PDC Case No. 04-277

Dear Mr. Quast:

The Public Disclosure Commission staff has completed its investigation of your complaint filed on October 7, 2003, alleging that Richard Demeroutis, a candidate for the Edmonds City Council, falsely claimed that you had endorsed him.

The PDC staff reviewed your allegations in light of the following statute:

RCW 42.17.530 prohibits a person from sponsoring, with actual malice, political advertising that makes either directly or indirectly false claims of support or endorsement when the candidate does not have such support or endorsement. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity and it must be proven by clear and convincing evidence.

You alleged that Mr. Demeroutis allowed his campaign committee members to sponsor political advertising that falsely claimed that you endorsed Mr. Demeroutis as a candidate for Edmonds City Council.

We found that:

- Mr. Demeroutis asked campaign volunteers, including Finis Tupper, to mail campaign solicitation letters on his behalf. Mr. Demeroutis provided approximately 25 copies of the letter to Mr. Tupper.
- Mr. Tupper mailed about 20 copies of the letter to friends and other individuals whom he knew had contributed to other campaigns. Mr. Tupper used his own name and address as the return address on eighteen of the letters; the return address on the remaining two letters read "*J. Quast, 15714 7th Pl. W., Edmonds, WA 98026*" – one was sent to Carol Hahn and the other was sent to Bruce and Eliane Nickolson.

- Mr. Tupper was not asked to use anybody else's name and return address on the solicitation letters nor did he voluntarily tell anyone that he had done so.

Mr. Tupper's use of your name and return address on Mr. Demeroutis' solicitation letter appears to falsely imply your endorsement of Mr. Demeroutis. However, this action was orchestrated by Mr. Tupper without the knowledge or consent of Mr. Demeroutis. PDC staff does not condone Mr. Tupper's actions. However, it was an isolated instance involving two solicitation letters, and PDC staff does not believe the quantity distributed is of a magnitude that warrants further enforcement.

Mr. Demeroutis will be reminded of his responsibility to take all reasonable measures to insure that future campaign volunteers and staff comply with Washington state law, and Mr. Tupper will be cautioned to not sponsor future political advertisements that claim or imply the support or endorsement of a candidate when the candidate does not have such support or endorsement.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Richard Demeroutis campaign.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Richard Demeroutis
Finis Tupper